



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Matthew T. Ponish
National Environmental Compliance Manager
USDA/FSA/CEPD
1400 Independence Ave., SW
Mail Stop 0513
Washington, D.C. 20250

Subject: Draft Supplemental Environmental Impact Statement – Expansion of the
Emergency Conservation Program

Dear Mr Ponish:

In accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA), U.S. Environmental Protection Agency (EPA) has reviewed the Farm Service Agency's (FSA's) draft Supplemental Environmental Impact Statement (SEIS) for the "*Expansion of the Emergency Conservation Program*".

The Emergency Conservation Program (ECP) provides emergency financial and technical assistance to farmers and ranchers for restoring agricultural land to normal production following a natural disaster. The ECP also provides assistance to producers to carry out emergency water conservation or enhancing measures in time of severe drought. The ECP is permanently authorized by Title IV of the Agricultural Credit Act of 1978 and is administered by the FSA. Regulatory procedures for implementing the ECP are outlined in 7 CFR Part 701 and further outlined in the FSA Handbook for State and County offices 1-ECP (USDA 2007).

The current ECP was evaluated for potential environmental impacts in a March 2003. At this time, FSA is proposing a change to the ECP, which requires the preparation of this draft SEIS. Specifically, the FSA is proposing a change to the ECP that would expand the definition of eligible farmland beyond pastureland, cropland, and hayland to include timberland, farmsteads, feedlots, farm roads, and farm buildings. This would allow producers to receive financial assistance for implementing approved practices on these lands to return them to normal operating conditions. Authorized activities under the ECP include (EC 1) Removing Debris from Farmland; (EC 2) Grading, Shaping, Releveling, or Similar Measures; (EC 3) Restoring Permanent Fences; (EC 4) Restoring Conservation Structures and Other Similar Installations;

(EC 5) Emergency Wind Erosion Control Measures; (EC 6) Drought Emergency Measures; (EC 7) Other Emergency Conservation Measures; and (EC 8) Field Windbreaks and Farmstead Shelterbelt Emergency Measures.

EPA concurs with FSA's proposed changes to the ECP. However, we have identified a few issues that we recommend be clarified in both the final rule and final SEIS.

Short -Term efforts vs Long-Term needs: The draft SEIS does not discuss the possibility of, when practicable, addressing long-term needs with short-term disaster relief efforts. For example, it may be possible for a drought emergency measure to address the short-term need of providing water to livestock along with the long-term need of facility maintenance. We suggest FSA consider revisions to the ECP that allow for the balancing of the planning process to address such scenarios.

Collaborative Efforts: Part 5.2 of the draft SEIS discusses other Federal Emergency Assistance Programs under the Cumulative Effects Analysis Section. We note that the Federal Emergency Management Agency (FEMA) was not listed in this discussion. The final SEIS should clarify whether or not FEMA has a role in situations like this and, if so, what measures FSA and FEMA will take to coordinate their disaster relief efforts.

Based on our review of the draft SEIS, we have determined that the proposed changes to the ECP will not cause significant adverse environment impacts. Accordingly, EPA has assigned the draft SEIS a rating of LO ("Lack of Objections"). (See enclosed "Summary of EPA Rating System" for a more detailed definition of the ratings.)

We appreciate the opportunity to review this draft SEIS. If you have any questions, please contact me at (202) 564-2400, or Arthur Totten at (202) 564-7164.

Sincerely,

for 

Susan Bromm
Acting Director
Office of Federal Activities

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

Adequacy of the Impact Statement

Category 1 - - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new, reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment February, 1987.